

## ***WATER ACT***

BEING CHAPTER W-3 R.S.A. 2000 (the "Water Act")

ENFORCEMENT ORDER NO. EO – WA – 38019

Amendment No. 2

1958612 Alberta Ltd.  
150 - 4<sup>th</sup> Street South  
Lethbridge, Alberta  
T1J5G4  
["1958612"]

And

Heritage Ranch Landowners Association  
537 - 7<sup>th</sup> Street South  
Lethbridge, Alberta  
T1J2G8  
["HRLO"]

[collectively, the "Parties"]

WHEREAS on April 14, 2022, the Director signed, and the Parties were served with an Enforcement Order (EO – WA – 38019) [the "Order"] setting out the requirements to respond to and prevent the further release of sediments to a waterbody;

WHEREAS on April 29, 2022, the Parties submitted to Alberta Environment and Parks ["AEP"] a document titled "Heritage Ranch Storm Water Mgmt Plan Dec 16, 2019" [the "Draft Erosion and Sedimentation Control Plan"];

WHEREAS an AEP Compliance Assurance Lead reviewed the Draft Erosion and Sedimentation Control Plan, who identified the following concerns:

- Sources of sediment were not identified as required by the Order.
- No information on the processes and methods that will be used to prevent erosion was provided as required by the Order.
- Areas outside the scope of work under the Order were included in the Draft Erosion and Sedimentation Control Plan.
- No information on the processes and methods that will be used to prevent sediments from reaching the waterbody was provided as required by the Order.
- No schedule for the maintenance and monitoring of all implemented erosion and sediment controls was provided as required by the Order.

WHEREAS on May 4, 2022, the deficiencies in the Draft Erosion and Sedimentation Control Plan were communicated to the Parties by AEP via email;

WHEREAS on May 10, 2022, the Parties contacted AEP and advised they are working to obtain a new consultant to complete the requirements of the Order;

WHEREAS on May 13, 2022, AEP met with the Parties, at which time the Parties requested an extension of the timelines for the submission of the Erosion and Sedimentation Control Plan and the Remedial Plan, with the extension request being until May 23<sup>rd</sup>, 2022;

WHEREAS on May 20, 2022, Coreen Bates, Director, issued Enforcement Order No. EO – WA – 38019 Amendment No. 1, extending the timeline for the submission of the Erosion and Sedimentation Control Plan and the Remedial Plan to May 23<sup>rd</sup>, 2022;

WHEREAS on May 23, 2022, the Parties submitted to AEP a document titled “SKM\_C258\_L222052217040-EngStamp” [the “Updated Erosion and Sedimentation Control Plan”];

WHEREAS Coreen Bates, Director, has reviewed the Updated Erosion and Sedimentation Control Plan and determined that the contents satisfy conditions 3 (a) – (d) of the Order;

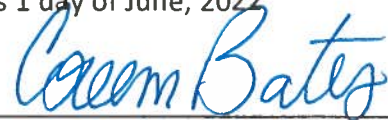
WHEREAS Coreen Bates, Director, has reviewed the Updated Erosion and Sedimentation Control Plan and determined that the contents satisfy condition 1 of Enforcement Order No. EO – WA – 38019 Amendment No. 1 [“Amendment No.1”];

THEREFORE, I, Coreen Bates, Director, pursuant to section 135 (1) and 136 (1) of the Water Act, DO HEREBY AMEND the Order as follows:

1. Adding Clause 9 as follows:

9. The Parties shall, by June 20, 2022, fully implement each of the actions set out in Section 3 of the Updated Erosion and Sedimentation Control Plan in accordance with the Best Management Practices included in the Updated Sedimentation and Erosion Control Plan.

DATED at the City of Lethbridge in the Province of Alberta, this 1 day of June, 2022



Coreen Bates  
Compliance Manager  
Southern Region

**Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.**

**Take notice that this enforcement order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other**

legislation. Failure to comply with this order may result in further enforcement proceedings.

Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal. For further information, please contact the Board Secretary at:

#306 Peace Hills Trust Tower,

10011 – 109th Street

Edmonton, Alberta, T5J 3S8

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